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SIPDIS
DRL FOR GREG MAGGIO AND WHA/AND FOR KAREN SANJINES

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SUBJECT: Bagua Report - No Consensus but a Good Start

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CLASSIFIED BY: James D. Nealon, Charge D'Affaires; REASON: 1.4B, D

¶1. (C) Summary: After three months of work, the "Special Commission to Investigate and Analyze the Events of Bagua" in late December issued its report describing the causes and events leading up to the June 5, 2009 violence. The document assigns blame broadly - including to the government and indigenous communities - and provides non-binding recommendations aimed at avoiding a repeat episode in the future. Two members of the Commission did not sign the report and, along with a third member who did sign, issued "dissenting" documents. Those opinions are included as part of the report, and assert that the investigation lacked sufficient resources and was slanted in favor of the government. Rather than setting the record straight, the report has revived debate about what happened and who was responsible. In our view, the report accurately reflects a complicated and confusing series of events, and helps dispel widely disseminated misinformation about an alleged police massacre of "hundreds" of indigenous people. End Summary.

Background

¶2. (SBU) The violence in and around the Amazon town of Bagua last June 5 represents the single greatest crisis faced by the Garcia administration to date. 24 police and 10 civilians (five of whom were indigenous) were killed and more than two hundred persons injured, including 82 with bullet wounds. Roughly one month after the events took place, four working groups ("Mesas de Dialogo") were established under the aegis of the National Coordinating Group for the Development of Amazon Populations ("Grupo Nacional") to address the various issues surrounding the deadly Amazon clashes. The first working group (Mesa 1) was charged with appointing members of and establishing an investigative commission to conduct research into the causes and events leading up to the June 5 violence.

¶3. (C) Following consultations with various participants and stakeholders (including indigenous organizations, the Church, the Ombudsman's office, GOP officials and NGOs), Mesa 1 concluded its work and on September 7 established the "Special Commission to Investigate and Analyze the Events of Bagua." Three of the Commission's seven members were nominated by indigenous representatives and four by the GOP and regional governments. (Note: One of the GOP-nominated members left the Commission early

on in the process, apparently for personal reasons, and has not commented on the report. End note.) The Commission worked for three months to complete its mandate, interviewing numerous community members, indigenous representatives and others, and visiting rural indigenous communities in the Amazon twice for a total of 11 days. Completed in late December, the Commission's main report was placed on the Prime Minister's website on December 21. Several days later, two dissenting opinions, one written by Father Ricardo Alvarez Lobo (a Dominican Catholic Priest), and another jointly produced by Jesus Manaces Valverde (an indigenous leader and President of the Commission) and Sister Carmen Gomez Calleja (a Jesuit nun and reportedly a member of the radical SUTEP teachers' union), were added to the report. (Note: Manaces and Gomez did not sign the main report, but Alvarez did. End note.) The final report did not receive wide attention in the media until an incendiary photo of a missing and presumed murdered policeman (ref A) was released to the press on January 7, reigniting the passions and reviving the debate over what really happened at Bagua and who was responsible.

Highlights of the Main Report

¶4. (SBU) The main document entitled "The Final Report by the Special Commission to Investigate the Events of Bagua - So it Never Happens Again" consists of 87 pages, with an additional thirteen pages of dissenting opinion included as part of the package. The main report's outline, including brief Embassy remarks (in brackets), follows below:

Introduction (Useful in listing the actors involved in the process.)

I- Commission's Methodology (Includes a description of the scope of work, agenda, visits to the field and interviews. We have heard anecdotally that some witnesses, both from indigenous communities and the police , were reluctant to disclose full details for fear of retribution.)

II- Situation of the Amazonian Peoples (Useful in understanding the challenges faced by native peoples both in the national context and in the District of Bagua, including socio-cultural, economic, political and religious factors. The indigenous communities have long been overlooked by the GOP, suffer from high rates of poverty and unemployment, and generally have not benefitted from the presence of extractive industries in the region.)

III- World Views of the Awajun Wampis (An anthropological explanation of the "Cosmovision" of the main ethnic group involved in the Bagua incidents, including its myths, social values, organization and gender roles.)

IV- Narrative and Chronology of June 5 Events (Mostly focused on events at locations where the worst violence occurred, including the Devil's Curve, Pumping Station No. 6, Bagua and Utcubamba, based on interviews with eyewitnesses, including local residents, indigenous people, policemen and regional and national authorities, as well as secondary reference documents. Indigenous and police accounts of certain critical details, such as who fired the first shot, are directly contradictory, but all versions are included. The report does not resolve all such discrepancies. Includes some historical and political factors influencing the atmosphere, including the notorious "Rubber Boom" of the early 20th century, when many indigenous Peruvians died after being enslaved as rubber tappers.)

V- Analysis and Conclusions (Examines the participation of various actors, "applying the principles of truth, justice and independence." Tends to blame situations rather than individuals for the violence, including poverty, social exclusion, the executive branch's clumsy handling of the legislative decrees, fear of foreign investment, distrust and ignorance on the part of the indigenous communities, as well as mis- and dis-information. It also spotlights the role of outside actors - including members of the Peruvian Nationalist Party, Ronderos, SUTEP (the radical teachers union), and resentful indigenous veterans of the 1995 Cenepa War - in stirring up the indigenous communities.)

VI- Recommendations (Non-binding advice is provided to Congress, the Executive, the Judicial branch, Regional and Local governments, Amazonian indigenous organizations, Christian churches, NGOs, political parties, extractive enterprises , investors and the media to, inter alia, improve the consultation process, continue formal dialogue between the GOP and indigenous communities, create and implement a major poverty reduction and development plan for the Amazon, include indigenous personnel in the national police and military, return weaponry taken by indigenous protesters from police, redirect NGOs' focus to citizen responsibilities in addition to rights, improve transparency and dialogue between indigenous communities and extractive enterprises, and promote more accurate and less confrontational reporting through the media.)

Highlights of Dissenting Opinions

¶15. (SBU) The two members of the commission who did not sign the final report, Manaces and Gomez, describe their joint letter to Agriculture Minister de Cordova as "an alternative report": the document contains 43 points that highlight the shortcomings of an earlier, leaked, draft of the Commission's report. (They acknowledge that the Commission's subsequent final draft corrects deficiencies, but argue, somewhat incoherently, that the spirit of the final report remains faulty.) Manaces and Gomez echo criticisms made by other commission members that the investigation

lacked sufficient resources, while emphasizing their view that the final product is slanted in favor of the government. Their document also argues that the report's criticism of the role of the Church, NGOs, political parties, and other organizations in supporting the protesters is condescending, and wrongly implies that the actions of indigenous people are always "the product of [outside organizations'] deceit and manipulation." It also maintains that the Commission's report neglects to examine the root causes of the unrest, including the deterioration of indigenous land rights beginning under the administration of Alberto Fujimori, and calls for more international oversight into the process.

¶16. (C) Note: The Commission's technical secretary (protect) told the Embassy that Gomez herself had leaked the earlier draft of the report, which garnered significant media attention for several days in mid-December, as an apparent attempt to undermine the Commission's work. The draft had included text specifically accusing Jesuit religious workers of supporting the indigenous protesters' "legal and illegal methods, which resulted in the deaths of police and natives," but praised Dominican-led churches for being peacemakers elsewhere in the Amazon. The draft also said a "racist, romantic anthropology" proposed by many NGOs created a radicalized indigenous world view that was incompatible with change and progress. These and other controversial phrases, the technical secretary said, were only one Commission member's words, and had not been discussed by the group before they were leaked. They were not intended for public consumption, and were not included in the final report. Nonetheless, in leaking this draft, Gomez planted a lasting impression of a biased and insensitive report, which continues to be the subject of local and international NGO criticism. End Note.

¶17. (SBU) Father Alvarez, who did sign the report, issued a separate two-page commentary that distributes responsibility to a wide range of actors. He criticizes President Garcia for his series of 2007-8 articles entitled "The Dog in the Manger" ("El Perro del Hortelano" - taken from Aesop's fable) arguing that progress and development of the Amazon is being held up by a tiny minority. He blames the Executive for mishandling the PTPA-related decrees, two of which were later rescinded, and for failing to coordinate among ministries before and during the security operation. He faults Congress for failing to assume its responsibilities and misunderstanding the motivations of indigenous communities. He charges indigenous leaders with fomenting insurrection and ignoring the President, legal institutions and the rule of law, and he accuses the national and local media, social activists and political party leaders for exacerbating and inflaming an already tense situation.

Other Reactions

¶8. (SBU) The Commission's report did not receive extensive public attention, until a widely distributed incendiary photo of a missing and presumed murdered policeman surrounded by his indigenous captors reignited passions and revived the debate over the Bagua violence and who was responsible. Immediately after the National Coordinating Group for the Development of Amazon Populations officially launched the report January 12, the Interethnic Association for the Development of Amazonian Peoples (AIDESEP) and the Confederation of Amazonian Nationalities of Peru (CONAP) rejected it - arguing that it was incomplete, skewed against the indigenous communities, and unlikely to lead to reconciliation.

¶9. (SBU) The Institute for Legal Defense (IDL), a Lima-based NGO focusing on legal and human rights issues, published an 18-page paper entitled "The Bagua Report: Neither Independence, nor Truth, nor Towards Reconciliation" in response to the report's release. IDL's paper asserts that the report cannot be considered a credible version of events because it was not signed by all members of the Commission. Moreover, it contends that the main report is slanted and politicized in order to protect high GOP officials from blame (by using the police and military as "scapegoats") and to tarnish the image of groups who oppose development plans for the jungle areas. The IDL paper concludes that the report sends "a very bad signal on how the administration interprets the Amazonian conflict,

and what it really intends to do in the Amazon, far from all national debate and the rights of the indigenous peoples." The Bishop of Chimbote, Luis Bambaren, also challenged the report's characterization of the role of Catholic religious workers during the Bagua conflict. In particular, he disputed the claim that priests had helped to incite violence and defended their provision of food and shelter to the indigenous protesters as a positive and peaceful gesture.

Comment: No Consensus but a Good Start

¶10. (C) The Special Commission's official report is, in our view, a necessary point of departure for the historical record. It describes a complicated structural problem relating to the historical marginalization of indigenous communities in areas where the state is largely absent, and seeks accurately to capture a deeply confusing series of events - seen in different ways by different groups with different perspectives and interests - that led to the June 5 violence. The report probably goes as far as it can go, given the freshness of the violence, the understandable reluctance of participants and witnesses to tell all, and the fact that separate congressional and judicial investigations were (are) happening in parallel. If it fails to resolve definitively the controversy surrounding what really happened and who was responsible, it helps to correct wildly exaggerated initial claims that the GOP had perpetrated "genocide" against innocent indigenous people - a mistaken but widespread interpretation that could generate a vicious cycle of mistaken reactions.

¶11. (U) The full, final report and dissenting opinions can be accessed at:
http://www.pcm.gob.pe/Prensa/ActividadesPCM/2_009/Diciembre/bagua/Informe_Final_de_la_Comision_Especial_para_Investigar_y_Analizar_los_sucesos_de_Bagua.pdf
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